

Message Text

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PAGE 01 GENEVA 04522 232130Z
ACTION L-03

INFO OCT-01 IO-13 ISO-00 DOE-15 ACDA-12 CIAE-00
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SOE-02 SS-15 OES-07 AF-10 ARA-10 EA-10 EUR-12
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C O N F I D E N T I A L GENEVA 04522

E.O. 11652:GDS
TAGS: TSPA, UN
SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE - DIRECT BROADCAST
SATELLITES

REF: GENEVA 04394

1. A SMALL, INFORMAL CONSULTATIVE GROUP ON DIRECT BROADCAST SATELLITE ISSUES MET IRREGULARLY DURING THE SECOND WEEK OF THE CURRENT OUTER SPACE LEGAL SUBCOMMITTEE SESSION TO PRESS FORWARD THE WORK OF THE DBS WORKING GROUP OF THE WHOLE WHICH, IN PART BECAUSE OF ITS SIZE, APPEARED TO BE EXPERIENCING MORE DIFFICULTY REACHING CONSENSUS THAN DIFFERENCES ON SUBSTANCE SEEMED TO WARRANT. THIS SMALLER GROUP ALSO CONSIDERED THE UNDERLYING CONTROVERSY CONCERNING THE PRINCIPLE LABELED "CONSULTATION AND AGREEMENTS BETWEEN STATES." SINCE THE GROUP KEPT NO RECORDS, IT MAY BE USEFUL TO RECORD VARIOUS POSITIONS WHICH PARTICIPANTS STATED ON THE CONSULTATION AND AGREEMENTS ISSUE.

2. THE GROUP WAS CHAIRED BY TUERCK OF AUSTRIA. REGULAR PARTICIPANTS INCLUDED US, CANADA, UK, FRANCE, SWEDEN,
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PAGE 02 GENEVA 04522 232130Z

ARGENTINA, BRAZIL, MEXICO, INDIA, NIGERIA, USSR AND MONGOLIA. JAPANESE OCCASIONALLY ATTENDED BUT WOULD NOT SPEAK; FRG SEEMS PURPOSELY TO HAVE STAYED AWAY EXCEPT FOR FINAL OF SOME FIVE SESSIONS. EGYPTIAN CHAIRMAN IBRASHI, THE DBS WORKING GROUP CHAIRMAN, ALSO ATTENDED OCCASIONALLY.

3. ON CONSULTATION AND AGREEMENTS BETWEEN STATES, THE INFORMAL GROUP CONSIDERED THE UNAGREED (BRACKETED) TEXT APPEARING IN THE OUTER SPACE COMMITTEE'S 1977 REPORT WHICH READS:

"BEGIN BRACKET. A DIRECT TELEVISION BROADCASTING SERVICE BY MEANS OF ARTIFICIAL EARTH SATELLITES SPECIFICALLY DIRECTED AT A FOREIGN STATE, WHICH SHALL BE ESTABLISHED ONLY WHEN IT IS NOT INCONSISTENT WITH THE PROVISIONS OF THE RELEVANT INSTRUMENTS OF THE INTERNATIONAL TELECOMMUNICATION UNION, SHALL BE BASED ON APPROPRIATE AGREEMENTS AND/OR ARRANGEMENTS BETWEEN THE BROADCASTING AND RECEIVING STATES OR THE BROADCASTING ENTITIES DULY AUTHORIZED BY THE RESPECTIVE STATES, IN ORDER TO FACILITATE THE FREER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS AND TO ENCOURAGE COOPERATION IN THE FIELD OF INFORMATION AND THE EXCHANGE OF INFORMATION WITH OTHER COUNTRIES. END BRACKET"

4. POSITIONS TAKEN BY PARTICIPANTS:

CANADA, UK, FRANCE, SWEDEN, INDIA, USSR, MONGOLIA -- COULD ACCEPT "ARRANGEMENTS" AS SUBSTITUTE FOR "AGREEMENTS AND/OR ARRANGEMENTS."

ARGENTINA, BRAZIL, MEXICO, INDIA, NIGERIA, USSR, MONGOLIA -- COULD ACCEPT "AGREEMENTS" IN PLACE OF "AGREEMENTS
CONFIDENTIAL

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PAGE 03 GENEVA 04522 232130Z

AND/OR ARRANGEMENTS."

CANADA, FRANCE, SWEDEN, ARGENTINA, BRAZIL, MEXICO, INDIA, NIGERIA, USSR, MONGOLIA -- COULD ACCEPT "AGREEMENTS AND/OR ARRANGEMENTS." ALL OF THESE COULD ALSO ACCEPT THE BRACKETED PARAGRAPH IN ITS ENTIRETY EXCEPT FOR NIGERIA WHICH WISHED TO SUPPRESS THE TERMINAL CLAUSE "IN ORDER TO FACILITATE THE FREER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS AND TO ENCOURAGE INTERNATIONAL COOPERATION IN THE FIELD OF INFORMATION AND THE EXCHANGE OF INFORMATION WITH OTHER COUNTRIES."

5. ALTHOUGH THEY DID NOT PARTICIPATE ACTIVELY IN THE SMALL INFORMAL GROUP, JAPAN AND THE FRG WOULD PREFER TO SUBSTITUTE "CONSULTATIONS" FOR THE "AGREEMENTS AND/OR ARRANGEMENTS." A US PARTICIPANT (REIS), MAKING CLEAR HE WAS SPEAKING PERSONALLY AND WITHOUT SUPPORTING INSTRUCTIONS, MENTIONED THIS POSSIBILITY IN THE INFORMAL GROUP BUT RECEIVED NO SUPPORT.

6. NO PROGRESS WAS RECORDED ON THIS MATTER IN THE SMALL INFORMAL GROUP, THE FORMAL WORKING GROUP OR THE LEGAL

SUBCOMMITTEE DURING THE NOW-CONCLUDED SECOND WEEK, WHICH
HAS BEEN DEVOTED ALMOST EXCLUSIVELY TO THE DIRECT BROAD-
CAST SATELLITE QUESTION. SORENSON

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